

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IMPERIAL IRRIGATION DISTRICT,
Plaintiff,
v.
CALIFORNIA INDEPENDENT
SYSTEM OPERATOR CORPORATION,
Defendant.

Case No.: 15-CV-1576-AJB-RBB

ORDER:

**(1) GRANTING CAISO’S MOTION
FOR EXTENSION OF TIME TO
ANSWER, (Doc. No. 53); AND**

**(2) DENYING CAISO’S MOTION
FOR LEAVE TO EXCEED PAGE
LIMITS, (Doc. No. 58)**

Presently before the Court are Defendant California Independent System Operator Corporation’s (“CAISO”) motions for extension of time to answer the FAC and for leave to exceed page limits on its motion for reconsideration. (Doc. Nos. 53, 58.) IID opposes the motions. (Doc. No. 57; Doc. No. 58 ¶ 3.) The Court finds these matters suitable for disposition without oral argument pursuant to Local Civil Rule 7.1.d.1. For the reasons set forth below, the Court **GRANTS** the motion for extension of time and **DENIES** the motion for leave to exceed page limits.

1 Rule 12(a)(4) of the Federal Rules of Civil Procedure¹ sets forth the time for
 2 responding to a pleading following a motion filed under Rule 12. In relevant part, it
 3 provides that, “[u]nless the court sets a different time, serving a motion under this rule
 4 alters these periods as follows: [] if the court denies the motion or postpones its disposition
 5 until trial, the responsive pleading must be served within 14 days after notice of the court’s
 6 action[.]” Fed. R. Civ. P. 12(a)(4). While CAISO’s motion for reconsideration will
 7 presumably be brought under Rule 54(b), the order CAISO seeks reconsideration of is the
 8 Court’s order granting in part and denying in part CAISO’s motion to dismiss brought
 9 under Rule 12(b)(6). (Doc. No. 51.) As such, the Court finds the rationale behind Rule
 10 12(a)(4) applies with equal force to CAISO’s prospective motion, namely, that it has the
 11 potential for resolving this matter in its entirety, which would obviate the need for an
 12 answer. The Court therefore **GRANTS** CAISO’s motion for extension of time to answer.
 13 CAISO need not answer the FAC until 14 days after the Court rules on CAISO’s motion
 14 for reconsideration.

15 Turning now to that motion, CAISO asks the Court for leave to exceed the page
 16 limits. Pursuant to the undersigned’s Civil Case Procedures Rule II.G.3, motions for
 17 reconsideration may not exceed ten pages in length and may not include attachments or
 18 exhibits. CAISO asks the Court for leave to file a motion twenty-five pages in length, citing
 19 the complexity of this case’s factual underpinnings and the legal issues. (Doc. No. 58.)
 20 Having reviewed CAISO’s request, the Court is not persuaded that departure from the page
 21 limit is necessary. CAISO apparently intends to relitigate certain issues from scratch,
 22 specifically, the applicability of the filed rate doctrine to IID’s state law claims and whether
 23 CAISO’s tariff controls unscheduled overflow on IID’s transmission facilities. (Doc. No.
 24 53 at 3–4.) However, CAISO’s motion need not be lengthy to address these issues in full
 25 given the Court’s and the parties’ intimate familiarity with this case following two rounds
 26 of briefing on CAISO’s motions to dismiss, as well as the narrow scope of a reconsideration
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28 ¹ All future references to “Rules” refer to the Federal Rules of Civil Procedure.


1 motion. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. AcandS, Inc.*, 5 F.3d 1255, 1263
 2 (9th Cir. 1993) (“Reconsideration is appropriate if the district court is (1) presented with
 3 newly discovered evidence, (2) committed clear error or the initial decision was manifestly
 4 unjust, or (3) if there is an intervening change in controlling law.”); *see also Fay Avenue*
 5 *Props., LLC v. Travelers Prop. Cas. Co.*, No. 11cv2389-GPC (WVG), 2014 WL 6980248,
 6 at *2 (S.D. Cal. Dec. 9, 2014) (“a motion for reconsideration cannot be used to ask the
 7 Court to rethink what the Court has already thought through merely because a party
 8 disagrees with the Court’s decision” (citation and internal quotation marks omitted))). The
 9 Court therefore **DENIES** CAISO’s request for leave to exceed the page limit.

10 CONCLUSION

11 Based on the foregoing, the Court **GRANTS** CAISO’s motion for extension of time
 12 to answer the FAC, (Doc. No. 53), and **DENIES** CAISO’s motion for leave to exceed page
 13 limits, (Doc. No. 58). CAISO need not answer the FAC until 14 days after the Court rules
 14 on CAISO’s motion for reconsideration.

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 16 **IT IS SO ORDERED.**

17 Dated: August 16, 2016


 18 Hon. Anthony J. Battaglia
 19 United States District Judge
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